

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-4, 6-10, 18, 20-23 and 25-28 are currently under consideration in the present application, of which claims 1 and 20 are independent.

IDS

An IDS was filed on January 31, 2003.

The Office Action mailed July 15, 2004, included an acknowledged Form PTO-1449 of the IDS, except that the Examiner crossed out references AG, AH and AL since these references were not in English.

However, please note that these references were listed in an English language search report provided with the IDS. Under these circumstances, the Examiner should acknowledge the references.

Accordingly, on page 16 of the Remarks of the Amendment filed November 15, 2004, it was requested that the Examiner acknowledge references AG, AH and AL. In response, in item 6 on page 2 of the Office Action mailed April 28, 2005, the Examiner indicated that the Examiner is considering the IDS. However, the Examiner did not "initial" references AG, AH and AL. Therefore, on page 12 of the Remarks of the Amendment filed September 28, 2005, it was again requested that the Examiner acknowledge the references. However, the Examiner has still not clearly acknowledged the references.

In view of the above, it is respectfully requested that the Examiner "initial" references AG, AH and AL on the Form PTO Form 1449 of the IDS filed January 31, 2003.

Objection to the Specification

The Specification is objected to because the specification fails to provide proper support for the newly claimed limitation of "the second clock at a higher speed than a speed of the first clock...so that the ciphering patterns vary depending on clock speed". By the foregoing amendments, claims 1 and 20 have been amended to delete this limitation thereby addressing the objection to

the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-4, 6-10, 18, 20-23 and 25-28 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, specifically because the newly claimed limitation of the ciphering patterns vary depending on clock speed does not appear to have support in the specification. By the foregoing amendments, independent claims 1 and 20 have been amended to delete this limitation. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1-3, 6-10, 21-22 and 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Taguchi et al. (US Patent No. 5,915,025, hereinafter referred to as "Taguchi") in view of Curran et al. (US Patent No. 4,525,599, hereinafter referred to as "Curran"), further in view of Schneier (Applied Cryptography), further in view of Milhaupt et al. (US Patent No. 5,706,445, hereinafter referred to as "Milhaupt"), further in view of Robbins (US Patent No. 4,628,358).

INDEPENDENT CLAIM 1

As an example, independent claim 1 recites (among other things) a feature that "said ciphering section is supplied with a second clock and performs ciphering synchronously with the supplied second clock and a clock supply section for supplying the second clock at a higher speed than a speed of the first clock supplied to said CPU, to said ciphering section, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed". As will be explained below, at least this feature of claim 1 is a distinction over each of Taguchi, Curran, Schneier, Milhaupt and Robbins, and thus over their combination.

According to claim 1, the ciphering section is supplied with the second clock faster than the first clock supplied to the CPU so that one of the ciphering

patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed. This feature is described in the specification, for example, in page 20, line 22 – page 21, line 19; and page 23, line 14 – page 24, line 11. As described in these portions of the specification, when the first clock is supplied to the CPU 101 and the second clock different in speed from the first clock is supplied to the ciphering section 121, the ciphering pattern Type 3 (3) that uses a result of the ciphering pattern Type 2 (2) and thus is more complicated than the ciphering pattern Type 2 (2) can be employed. This feature is clearly recited in claim 1, that is, "said ciphering section is supplied with a second clock and performs ciphering synchronously with the supplied second clock and a clock supply section for supplying the second clock at a higher speed than a speed of the first clock supplied to said CPU, to said ciphering section, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed." None of the prior art of record teaches or suggests this feature of claim 1. Particularly, the Examiner cites Milhaupt as teaching the ciphering section supplied with a clock of a speed higher than a clock supplied to the CPU and has combined Milhaupt with Taguchi. However, the technique disclosed in Milhaupt aims to reduce the power and thus fails to teach or suggest the above-described distinguishing feature of claim 1, namely, "said ciphering section is supplied with a second clock and performs ciphering synchronously with the supplied second clock and a clock supply section for supplying the second clock at a higher speed than a speed of the first clock supplied to said CPU, to said ciphering section, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed."

Hence, the noted feature of claim 1, namely "said ciphering section is supplied with a second clock and performs ciphering synchronously with the supplied second clock and a clock supply section for supplying the second clock at a higher speed than a speed of the first clock supplied to said CPU, to said ciphering section, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed," is a distinction over each of the references and thus distinguishes over the asserted

combination of references.

Among other things, a prima facie case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references.

Hence, the Office Action fails to establish a prima facie case of obviousness vis-à-vis claim 1. Claims 2-4, 6-10, 18 ultimately depend from claim 1, and so at least similarly distinguish over the asserted combination of references.

INDEPENDENT CLAIM 20

As an example, independent claim 20 recites (among other things) a feature that "said ciphering section is supplied with a second clock and conducts ciphering synchronously with the supplied second clock and operates with the second clock at a higher speed than a speed of the first clock with which said CPU operates, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed". As will be explained below, at least this feature of claim 20 is a distinction over each of Taguchi, Curran, Schneier, Milhaupt and Robbins, and thus over their combination.

According to claim 20, the ciphering section is supplied with the second clock faster than the first clock supplied to the CPU so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed. This feature is described in the specification, for example, in page 20, line 22 – page 21, line 19; and page 23, line 14 – page 24, line 11. As described in these portions of the specification, when the first clock is supplied to the CPU 101 and the second clock different in speed from the first clock is supplied to the ciphering section 121, the ciphering pattern Type 3 (3) that uses a result of the ciphering pattern Type 2 (2) and thus is more complicated than the ciphering pattern Type 2 (2) can be employed. This feature is clearly recited in claim 20, that is, "said ciphering section is supplied with a second clock and conducts ciphering synchronously with the supplied second

clock and operates with the second clock at a higher speed than a speed of the first clock with which said CPU operates, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed.” None of the prior art of record teaches or suggests this feature of claim 20. Particularly, the Examiner cites Milhaupt as teaching the ciphering section supplied with a clock of a speed higher than a clock supplied to the CPU and has combined Milhaupt with Taguchi. However, the technique disclosed in Milhaupt aims to reduce the power and thus fails to teach or suggest the above-described distinguishing feature of claim 20, namely, “said ciphering section is supplied with a second clock and conducts ciphering synchronously with the supplied second clock and operates with the second clock at a higher speed than a speed of the first clock with which said CPU operates, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed.”

Hence, the noted feature of claim 20, namely “said ciphering section is supplied with a second clock and conducts ciphering synchronously with the supplied second clock and operates with the second clock at a higher speed than a speed of the first clock with which said CPU operates, so that one of the ciphering patterns that is made by using a result of one of other ciphering patterns among the ciphering patterns can be employed,” is a distinction over each of the references and thus distinguishes over the asserted combination of references.

Among other things, a prima facie case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 20 noted above, at least one claimed element is not present in the asserted combination of references.

Hence, the Office Action fails to establish a prima facie case of obviousness vis-à-vis claim 20. Claims 21-23 and 25-28 ultimately depend from claim 20, and so at least similarly distinguish over the asserted combination of references.

Claims 4 and 23 are rejected under 35 U.S.C. §103(a) as being

unpatentable over the combination of Taguchi, Curran, Schneier, Mlhaupt, and Robbins as applied to claims 1 and 20, and further in view of IBM (IBM Technical Disclosure Bulletin 19800601).

As described above, claims 1 and 20 distinguish over the combination of Taguchi, Curran, Schneier, Mlhaupt, and Robbins. Claims 4 and 23 depend from claims 1 and 20, respectively, and so at least similarly distinguish over the asserted combination of references. Even if IBM is additionally applied to claims 4 and 23, claims 4 and 23 are patentable at least based on the dependencies upon claims 1 and 20, respectively.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

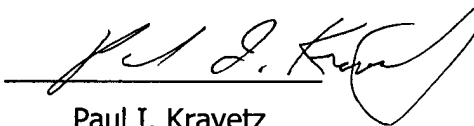
Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 19-3935.

Respectfully submitted,

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By



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